

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/11/2011 has been entered.

**DETAILED ACTION**

***Status of Claims***

2. Claims 1, 3-18, 20-22, 25, 27-30 and 32 are pending in this application.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-18, 20-22, 25, 27-30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matz (US 7,212,979) and Grauch et al. (US 6,983,478) incorporated by reference by Matz.

Regarding claims 1, 3, 9, 11 and 25, Matz teaches a method comprising:  
receiving content from a distribution network (FIG. 1, 122; receive content from cable operator head-end);

receiving a command and an identifier of a viewer who generated the command (FIG.1, 124; Col 6 lines 15-44; an identifier of a viewer who generated the command is inherent so as to be tracked by the database);

time stamping the command with a time of receipt (Col 6 lines 31-44);

establishing communication from a viewer appliance to a remotely located component (Col 6 lines 26-30; the set top box establishing communication with a database remotely located at the head end);

when the command is a channel change at a viewer appliance, then immediately upon receipt concurrently forwarding the command from the viewer appliance for remote execution to a new stream of programming (Col 5 line 65 - Col 6 line 30; a date-time identifier indicating a program has been provided for a subscriber suggests a channel change in the viewer appliance such as video on demand (VOD), then remotely executing the viewer action to a new stream of programming from the local/national content database via a central switch; VOD as a click event as disclosed in Col 6 lines 18-27 of Grauch; a central switch is inherent for VOD application);

when the command is not the channel change, immediately upon receipt concurrently forwarding the command from the viewer appliance to the remotely located component (such as channel up/down or volume control or play local devices; Col 6 line 18 – Col 7 line 67 of Grauch); and

executing the command to alter an aspect of the content being viewed by the viewer; and sending an indication that the command has been executed (Col 6 lines 26-44; change to a new channel or web access).

Matz discloses transmission of user's action to the head end and stored in the database for record keeping purposes (Col 6 lines 15-23) but is not clear about eliminating local storage of the command at the viewer appliance and immediately upon receipt concurrently forward the command.

Using a server as a central storage for subscriber's database so as to eliminate the duplicate storage at the client device to simplify the design and save the cost such as client server design is well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to eliminate local storage of the command at the viewer appliance and immediately upon receipt concurrently forward the command to take advantage of standard client server design to simplify client design as an engineering choice, thus save cost for client devices.

Regarding claims 4 and 12, Matz further teaches matching the command to a present context (col. 6, lines 40-44--date-time stamp).

Regarding claim 5, Matz further teaches concurrently forwarding the matching to the remotely located component (col. 6, lines 45- 62; col. 8, line 52-co1.9, line 14; an action with a time-stamp then is sent to a remote database).

Regarding claim 6, Matz further teaches determining a result of the command and concurrently forwarding the result to the remotely located component (col. 6, lines 45-62; col. 8, line 52-co1.9, line 14--determine category or time of action).

Regarding claims 7 and 16, Matz further teaches wherein the viewer appliance comprises a set-top box (Fig. 1--Set-top box 124).

Regarding claim 8, Matz further teaches generating targeted advertising (col. 12, line 63-co1.13, line 11- targeted advertisement).

Regarding claim 10, Matz further teaches selecting a volume (data event comprising volume control; Col 6 line 18 – Col 7 line 67 of Grauch).

Regarding claim 13, Matz further teaches matching the command to a current time when the command is received (col. 6, lines 40-44--date-time stamp).

Regarding claims 14 and 21, Matz further teaches determining a result of the command (col. 6, lines 26-44--date-time stamp or change a channel).

Regarding claim 15, Matz further teaches wherein determining the result of the command comprises determining an audio format (command comprising volume control; Col 6 line 18 – Col 7 line 67 of Grauch).

Regarding claim 17, Matz teaches choosing content based upon the command (col. 6, lines 40-44--"channel up" and "channel down" actions read on choosing content).

Regarding claim 18, the claim is directed to a system embodiment with similar limitations as in Claims 1 and 9, thus is rejected based on the same grounds of rejection as for Claims 1 and 9.

Regarding claim 20, Matz teaches wherein the processor and memory operate in a set top box (Fig. 1--124; col. 6, lines 26-30; the processor and memory is inherent in a set top box to operate).

Regarding claim 22, Matz inherently teaches the instructions further cause the processor to store a result of the command (col. 6, lines 26-30; the result of command is required to be temporally stored before forwarding to the remote database).

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Regarding claim 27, Matz teaches concurrently forwarding the user command comprises concurrently forwarding the user command to a remote storage device (FIG.1, 122, 112; Col 5 lines 44-52).

Regarding claim 28, Matz teaches matching the user command to a present context (Col 4 lines 49-55; relates a purchase to an advertisement).

Regarding claim 29, Matz teaches determining a result of the user command relative to the present context (Col 4 lines 41-55).

Regarding claim 30, Matz teaches generating targeted advertising based upon information related to the user command (Col 4 lines 41-55).

Regarding claim 32, Matz teaches concurrently forwarding the user command as a control message (Col 7 lines 1-8; program selection is a control message).

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1, 3-18, 20-22, 25, 27-30 and 32 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

5. Claims 1, 3-18, 20-22, 25, 27-30 and 32 are rejected.

#### ***Correspondence Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED PENG whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 09:30-19:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on (571) 272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fred Peng/

Examiner, Art Unit 2426

/Joseph P. Hirl/

Supervisory Patent Examiner, Art Unit 2426

April 8, 2011